

Mark L. Javitch (CA SBN 323729)
JAVITCH LAW OFFICE
3 East 3rd Ave. Ste. 200
San Mateo, CA 94401
Telephone: (650) 781-8000
Facsimile: (650) 648-0705
mark@javitchlawoffice.com

Attorney for Plaintiff
And those similarly situated

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

ALEJANDRO VALLESILLO, individually, and
behalf of all those similarly situated,
Plaintiff,

v.

VANGUARD EQUITIES, LLC, a New York
Limited Liability Company, and JEROME
CERILLO, an individual,
Defendants.

Case No.: 8:24-cv-00467-JFB-MDN

**MOTION FOR CLERK'S DEFAULT
AGAINST VANGUARD EQUITIES, LLC**

MOTION FOR CLERK'S ENTRY OF DEFAULT
AGAINST VANGUARD EQUITIES, LLC

Pursuant to Local Rule 55.1(a)(1) and Fed. R. Civ. P. 55(a) of the Federal Rules of Civil Procedure, ALEJANDRO VALLESILLO ("Plaintiff") hereby moves for the Clerk's entry of default against VANGUARD EQUITIES, LLC ("Defendant"). In support of this motion, Plaintiff states the following and attaches an affidavit from Plaintiff's attorney ("Javitch Aff.").

1. On December 4, 2025, Plaintiff filed his Complaint ("FAC") against Defendants Vanguard Equities, LLC and Jerome Cerillo, alleging violations of the Telephone Consumer Protection Act (or the "TCPA") 47 U.S.C. § 227. (Filing No. 1).

2. On December 7, 2024, and December 10, 2024, a process server attempted to serve a copy of the Summons and Complaint upon Defendant Vanguard Equities, LLC by personal service on the registered agent currently on file with the New York Secretary of State's office. (Filing No. 7; Exhibit A attached to Javitch Aff., ¶¶ 5-6.).
3. On January 30, 2025, the Court granted leave to serve the New York Secretary of State's Office. (Filing No. 9)
4. On February 4, 2025, Plaintiff caused a process server to serve the New York Secretary of State's Office on behalf of Vanguard Equities, LLC. (Filing No. 10)
5. As of the date of this filing, more than 21 days have passed since serving the Summons and First Amended Complaint upon Defendant Vanguard Equities, LLC, and yet Defendant Vanguard Equities, LLC has failed to file an answer or any responsive pleading required by Rule 12.
6. None of the Defendants are minors nor incompetent persons. (Javitch Aff., ¶ 9).
7. As required by Local Rule 55.1(a)(2), Plaintiff will email to the clerk a proposed clerk's entry of default.

WHEREFORE, in accordance with Local Rule 55.1(a)(1) and Fed. R. Civ. P. 55(a), Plaintiff respectfully requests that the Clerk enter the Clerk's default against Defendant Vanguard Equities, LLC.

Dated: March 3, 2025

Respectfully submitted,

By: /s/ Mark L. Javitch

Mark L. Javitch (CA 323729)
Javitch Law Office
3 East 3rd Ave. Ste. 200
San Mateo, California 94401
Telephone: (650) 781-8000
Facsimile: (650) 648-0705
mark@javitchlawoffice.com

Attorneys for Plaintiff and the Putative Class